



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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OFFICE OF RESEARCH

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HOUSE WEEK IN REVIEW

The House of Representatives amended and gave second reading approval to H.3768, the "**SOUTH CAROLINA HEALTH AND HUMAN SERVICES REORGANIZATION AND ACCOUNTABILITY ACT OF 2003.**" The legislation reforms the state's Medicaid system, and reorganizes and restructures state health and human services agencies as follows:

- **DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)**
 - Policy and Planning of the Continuum of Care of the Governor's Office is transferred to DHHS Office for Services for Emotionally Disturbed Children;
 - Children's Case Resolution of the Governor's Office transferred to DHHS Office of Children's Services;
 - Licensing and monitoring of out-of-home placements of the Department of Social Services (DSS) moved to DHHS;
 - Licensing of out-of-home placements of the Department of Health and Environmental Control (DHEC) moved to DHHS;
 - Department of Alcohol and Other Drug Abuse Services (DAODAS) is moved to DHHS as a new Office;
 - Inpatient alcohol and drug treatment services of the Department of Mental Health (DMH) are moved to DHHS under the new Office of Alcohol and Other Drug Abuse Treatment Services;
 - Inpatient alcohol and drug treatment services of the Department of Vocational Rehabilitation (VR) may be transferred to this Office if certain conditions are met and after submission of a plan to the Joint Legislative Committee (as described below);
- **DEPARTMENT OF MENTAL HEALTH (DMH)**
 - DMH becomes a Cabinet Agency;
 - Client and family services of the Continuum of Care transferred to DMH.
- Managed Treatment Services of DSS remain at DSS pending approval of a plan submitted to the Joint Legislative Committee;
- Budget and Control Board is to assist in implementation of the Act;
- Health and Human Services agencies must co-locate offices and consolidate programs when possible.
- **DEPARTMENT OF INFORMATION TECHNOLOGY FOR HEALTH AND HUMAN SERVICES AGENCIES**
 - Manages and administers all information technology for DSS, DHHS, Department of Disabilities and Special Needs, DMH, VR, DHEC;

- Director appointed by Governor with advice and consent of the House and the Senate;
- Director must develop a coordinated strategic plan for information resources management as provided in the Act.
- **JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MEDICAID AND HEALTH CARE (the Oversight Committee)**
 - Seven appointed members - three of whom must be members of the Senate appointed by the Chairman of the Senate Finance Committee, one of which must be a member of the minority party; three of whom must be members of the House of Representatives appointed by the Chairman of the House Ways and Means Committee, one of which must be a member of the minority party; and one of whom must be the Governor or the Governor's appointee.
 - Charged to study the State Medicaid plan, to review efforts of the state Medicaid agency, and to recommend changes to make the plan more easily understood, more stable, and more affordable.
- **STATE OFFICE OF MEDICAID AND HEALTH CARE AUDITS**
 - Established to conduct independent audits, reviews, inspections, and investigations to prevent and detect waste and fraud and to promote accountability, economy, effectiveness, and efficiency;
 - Agencies under this office's purview are DSS, DHHS, DDSN, DMH, VR, DHEC, and the Department of Information Technology;
 - Audit director appointed by and serves under the Oversight Committee;
 - Audit director must report to the Oversight Committee, at least semi-annually, information regarding problems, audit reports, compliance with previous audit recommendation, and status on fraud and abuse activity and annual audit plan.
- **MEDICAID REFORM INITIATIVES**
 - Department of Revenue is to implement electronic interface of information systems for eligibility determination;
 - DHHS is to report to the Oversight Committee, changes to Medicaid that will have a fiscal impact;
 - DHHS is to report to the Oversight Committee the number of beneficiaries on Medicaid who do not pay for services as required by law;
 - Department of Insurance is to collect information to help DHHS identify persons on Medicaid who have other insurance;
 - DHHS is to prepare cost containment plan when spending exceed projected General Funds projected growth;
 - DHHS is to implement a Medicaid Mandatory Managed Care Program;

- DHHS is to implement a pilot project to assess the viability of privatizing eligibility determination of Medicaid applicants
 - Establishes a Task Force on Emergency Room Diversion to be led by DHEC
 - DHHS to enter into contractual agreements for the management and operation of skilled nursing facilities formerly under the jurisdiction of DMH.
- **NURSING HOME FRANCHISE FEE** of 2002 is repealed;
- The Act establishes the **SOUTH CAROLINA RETIREES AND INDIVIDUALS POOLING TOGETHER FOR SAVINGS (SCRIPTS)** Program to be administered by DHHS.
 - Purpose of the SCRIPTS Program is to combine the purchasing power of State citizens age sixty-five or older (who are not eligible for Medicaid) to reduce prescription drug costs through combined negotiating power for pharmaceutical pricing and rebates;
 - The program would be funded entirely from annual enrollment fees of program participants;
 - DHHS is required: to submit an implementation and administration plan for the program (as described in the bill) to the Oversight Committee by December 30, 2003; to maintain data to allow evaluation of the program's cost effectiveness; and to report to the Governor and the Oversight Committee as provided in the bill.
- **SENIORS FORUM**
 - Established in the Act, with twenty-one voting members;
 - Charged to:
 - Support the Office of Aging of the Department of Human Services;
 - Make recommendations regarding responsibilities and roles for state, regional, and local entities, and services to seniors;
 - Sponsor public forums in advance of submission of the Office on Aging's four-year plan and respond to the Office of Aging's annual draft plan.
- **NURSING HOMES**
 - Requires DHHS to enter into contractual agreements for the management and operation of skilled nursing facilities formerly under DMH.
- **PREVENTION OF YOUTH ACCESS TO TOBACCO**
 - Strengthens laws against underage tobacco purchase and use and sets penalties.

- **TOBACCO SETTLEMENT RECEIPTS AND BONDS**

- Provides for additional receipts from Tobacco Settlement funds to be credited to the general fund rather than being deposited as is currently required;
- Permits the use of tobacco settlement revenues and the proceeds of bonds secured by these revenues to refund or purchase these bonds.

The House amended and gave second reading approval to **H.3231**, a bill that **REDUCES BLOOD ALCOHOL CONTENT LIMITS IN DRIVING UNDER THE INFLUENCE PROVISIONS** and other provisions relating to blood alcohol limits. The legislation revises South Carolina law in light of the National Highway Traffic Safety Administration's requirement that DUI blood alcohol limits be reduced to .08 percent. The legislation revises the legal presumptions that can be made according to blood alcohol concentrations in DUI provisions. In establishing conclusive proof that the driver was not under the influence of alcohol, the legislation reduces the alcohol concentration from 0.05 to 0.04 percent. The legislation establishes that an alcohol concentration greater than 0.04 and less than 0.08 percent (reduced from 0.05 to 0.10 percent) does not give rise to an inference of being under the influence of alcohol, but that other evidence can be considered with this evidence to establish guilt or innocence. This legislation reduces the alcohol concentration required to make an inference that a person is under the influence, from 0.10 to 0.08 percent. The legislation revises the DUI per se provisions by making it unlawful for a person with an alcohol concentration of .08 percent (reduced from .10 percent) to drive a vehicle. The legislation also removes a provision that prevents DUI per se provisions from applying to cases arising out of a roadblock or license checkpoint. The legislation adds a language that provides that a person charged with a DUI per se violation must have been given notice of intent to prosecute under the DUI per se provisions not later than 60 days after arrest. The legislation also makes all pertinent adjustments to apply the new, reduced blood alcohol concentration limits to provisions pertaining to implied consent for blood alcohol testing, driver's license suspensions for DUI matters, the application of automobile insurance penalties, the operation of watercraft with under the influence, and the use of firearms while under the influence.

The House gave third reading approval to **H.3749**, the **GENERAL APPROPRIATION BILL**, and sent the legislation to the Senate.

The House adopted a free conference report on **S.375**, a joint resolution authorizing **FINANCIAL FLEXIBILITY FOR SCHOOLS FOR FISCAL YEAR 2002-2003**. The Senate also adopted the report and ordered the enrolled for ratification. This joint resolution provides that, for fiscal year 2002-2003, all school districts and special schools of this State may transfer revenue between programs to any instructional program with the same funding source and may make expenditures for direct classroom instructional programs and essential operating costs from any state source without regard to fund type with the exception of school building bond funds.

The House concurred in Senate amendments to **H.3198** and ordered the bill enrolled for ratification. This bill provides **REVISIONS TO THE FAMILY PRIVACY PROTECTION ACT**. The bill revises the prohibition of knowingly obtaining or using personal information obtained from a public body for commercial solicitation directed to a person in this state, so as to substitute "state agency" for "public body". The bill provides that the prohibition does not apply to a local governmental entity of a subdivision of this state or local government. The legislation also provides that the definition of commercial solicitation under the act does not include notification of continuing education opportunities (rather than notification of continuing education opportunities sponsored by not-for-profit professional associations, as is currently provided).

The House amended and gave second reading approval to **H.3082**, a bill **REVISING THE REVIEW OF REGULATIONS BY THE GENERAL ASSEMBLY**. The bill revises the process for legislative review of regulations so as to provide that, if the full Senate/House committee to which a regulation is referred takes no action on the regulation within sixty calendar days of receipt of the regulation, the regulation must be placed on the agenda of the full committee beginning with the next scheduled full committee meeting. Sine die adjournment of the General Assembly tolls the running of this sixty-day period. Within sixty days after the next convening of the General Assembly, excluding special sessions called by the Governor, the regulation must be put on the agenda of the full committee. If at the full committee meeting the committee: (a) does not vote on the regulation, the regulation is deemed permanently withdrawn at the time of the sine die adjournment of the two year legislative session; (b) votes on the regulation and the committee votes against the regulation, the committee may: (i) introduce a joint resolution disapproving the regulation; (ii) take no further action, and the regulation is deemed permanently withdrawn at the time of the sine die adjournment of the two year legislative session. (c) votes on the regulation and the committee approves the regulation, the committee may: (i) introduce a joint resolution approving the regulation; (ii) take no further action, and the regulation takes effect sixty days after the committee voted to approve the regulation if the committee in the other body, to which the regulation was referred, has not exercised its right to take no action or has not voted against the regulation. If conflicting action is taken in the Senate and House of Representatives concerning a regulation, and no joint resolution is enacted approving or disapproving the regulation, the regulation is considered permanently withdrawn at the time of the sine die adjournment of the two year legislative session. The full committee to which a regulation is referred shall report to the Legislative Council any action the full committee takes on a regulation, including not voting on a regulation. Any regulation approved pursuant to this provision becomes effective upon publication in The State Register. The bill provides that a regulation may not be filed under emergency provisions if the committee to which the regulation was referred has exercised its rights. The legislation also revises the format in which a regulation is to be submitted so as to provide that a regulation proposing to amend an existing regulation, or any clearly identifiable subdivision or portion of a regulation, must contain the full text of the existing regulation. Text that is proposed to be deleted must be stricken through, and text that is proposed

to be added must be underlined. The legislation also provides that agency submissions, or resubmissions are to be filed first with the Legislative Council, who, in turn, submits the documents to the President of the Senate and the Speaker of the House of Representatives.

The House approved and sent to the Senate H.3050, a bill which **ESTABLISHES SPECIAL CRITERIA FOR AWARDING PALMETTO FELLOWS SCHOLARSHIPS TO STUDENTS GRADUATING IN 2003 AND THEREAFTER WHO ATTEND "MAGNET" SCHOOLS**, as those schools are defined in the bill. The bill provides that students in magnet schools who meet all criteria for applying for the Palmetto Fellows Scholarship except for rank in class, may use the rank in class from the high school he or she would have attended had there been no magnet school, so long as the application does not cause the regular high school to exceed the five percent limitation from its sophomore or junior class for these scholarships. The bill requires and provides for official documentation from the regular high school that the magnet school student is within the top five percent of either the sophomore or junior class.

The House amended, approved, and sent to the Senate H.3418, regarding **CONSTRUCTION, IMPROVEMENT, OR RENOVATION OF PUBLIC SCHOOL BUILDINGS AND PROPERTY**. This bill repeals the current *School Building Code* and provides that all construction, improvement, and renovation of public school buildings and property on or after the effective date of the bill must comply with the latest applicable standards and specifications set forth in the *South Carolina School Facilities Planning and Construction Guide* (the Guide) as published by the State Department of Education (the Department) and must be inspected by the Superintendent of Education (the Superintendent) or a designee for compliance. The bill requires that the Guide be updated annually by a committee representing organizations and interests delineated in the bill and appointed by the Department. The bill requires that a certificate of occupancy be obtained from the Superintendent or the Superintendent's designee before a building may be occupied. The bill authorizes the Superintendent, under specified conditions, to grant waivers from school building regulations relating to minimum lot size requirements or building square foot requirements for construction of a new public school building or for the conversion of an existing commercial building into a public school facility. The bill provides that the authority granted the Superintendent by these provisions supercedes state school building regulations and the authority of local building officials or entities to disapprove variances granted by the waiver.

The House approved and sent to the Senate H.3410, a bill regarding the **DEPARTMENT OF ARCHIVES AND HISTORY**, which eliminates the State Budget and Control Board from the records retention schedule approval process and which eliminates the requirement that the general schedules for records series common to agencies and subdivisions be developed as state regulations.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs Committee gave a favorable with amendment recommendation to H.3077. As reported by the Committee, this bill provides that **UNLESS SPECIFICALLY ALLOWED BY STATUTE, IT IS UNLAWFUL FOR A PERSON TO HAVE GAMEFISH IN HIS POSSESSION WHILE FISHING WITH NONGAME TACKLE.**

The Committee reported favorable with amendment on H.3613, a bill which, as reported by the Committee, provides that **A PERSON TAKING A FURBEARING ANIMAL UNDER AUTHORITY OF A DEGRADATION PERMIT MAY NOT DISPOSE OF THE ANIMAL COMMERCIALY AND MUST REPORT THE NUMBER AND TYPE OF ANIMAL TAKEN WITHIN TWENTY-ONE DAYS OF THE EXPIRATION OF THE PERMIT.** The bill also provides that **A PERMIT IS NOT REQUIRED FOR THE REMOVAL OF DESTRUCTIVE BEAVERS.**

The Committee reported favorable on S.165. As reported by the Committee, this bill provides that **IT IS UNLAWFUL TO PURCHASE, ACQUIRE, OR POSSESS ANY HUNTING, FISHING, OR TRAPPING LICENSE, PERMIT, OR TAG WHILE A PERSON'S PRIVILEGES ALLOWED BY THE LICENSE, PERMIT, STAMP, OR TAG ARE SUSPENDED.** The bill includes penalties for violation of this provision.

The Committee reported favorable with amendment on S.168. As reported by the Committee, this bill provides that **A PERSON WHO VIOLATES A PROVISION OF THE FEDERAL MIGRATORY BIRD TREATY ACT, ITS IMPLEMENTING REGULATIONS, OR RELATED STATE LAW IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF \$200 TO \$500 OR IMPRISONMENT OF UP TO THIRTY DAYS PER OFFENSE.** Also, the bill provides that **A PERSON CONVICTED OF TRESPASSING TO HUNT WATERFOWL; HUNTING OR SHOOTING WATERFOWL OVER BAIT; HUNTING WATERFOWL MORE THAN FIFTEEN MINUTES BEFORE OR AFTER DESIGNATED HUNTING HOURS; POSSESSING MORE THAN ONE WATERFOWL OVER THE LEGAL LIMIT; OR HUNTING WATERFOWL OUT OF SEASON, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF \$200 TO \$500 OR IMPRISONMENT OF UP TO THIRTY DAYS PER OFFENSE.**

The Committee reported favorable on S.361, a bill which, as reported by the Committee, **PROHIBITS THE SALE, POSSESSION, OR IMPORTATION OF THE EGGS OF CERTAIN SPECIFIED FISH, AND PROHIBITS THE SALE, POSSESSION, OR IMPORTATION OF SNAKEHEAD FISH.**

JUDICIARY

The full House Judiciary Committee met on Tuesday, March 18, and reported out several bills.

The committee gave a report of favorable with amendments on **H.3228**, a bill removing limitations for administrative hearings and **INCREASING FINES FOR DRIVING UNDER THE INFLUENCE OFFENSES**. The bill increases fines pertaining to driving under the influence offenses and provides in each instance that one hundred dollars of each fine imposed be placed by the Comptroller General into a special account to be used by the Department of Public Safety for the Highway Patrol. The bill provides that the Department of Public Safety is directed to keep permanent records of all Highway Patrolmen who are killed in the line of duty or die in any other manner while actively employed as well as records of those who are retired. The bill also makes revisions regarding the filing fee for requesting an administrative hearing to challenge certain driver's license suspensions, so as to provide that this fee applies to any administrative hearing before the Department of Public Safety, and to increase the fee from fifty to one hundred dollars. The bill makes revisions regarding a person's right to compulsory process when charged with the offense of, or an offense related to, driving under the influence of alcohol or another substance, so as to eliminate the provision that allows a person charged with an offense to complete a hearing request form and give it to the arresting officer who shall forward it to the Department of Public Safety. The bill revises provisions relating to the suspension of a person's driver's license who refuses to submit to a test to determine his alcohol concentration or who has a certain alcohol concentration, so as to eliminate the provision that requires a person to enroll in an alcohol and drug safety action program before he may request an administrative hearing.

The committee gave a report of favorable with amendments on **S.9**, the "**JOINT AGENCY ACT**". This bill authorizes special purpose districts created for the principal purpose of furnishing natural gas to create joint agencies so as to provide for the joint exercise of powers, joint administration of functions, and sharing of costs. The legislation's stated purpose is to provide to the Gas Authorities of the State a mechanism for the joint exercise of their powers, joint administration of functions, and sharing of related costs so as to ensure that the residents, businesses, and industries of this State located in the service areas of the Gas Authorities are provided with natural gas services as efficiently and inexpensively as possible. The legislation establishes provisions regarding the formation and operation of joint agencies.

The committee gave a report of favorable with amendments on **H.3528**, a bill providing for a **CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH**. This bill provides that the state registrar shall develop a form entitled 'Certificate of Birth Resulting in Stillbirth' for distribution to all South Carolina delivering hospitals. The hospital shall provide and offer to complete this form, prior to discharge, for mothers whose delivery resulted in a fetal death of twenty completed weeks of gestation or more or a weight of three hundred fifty grams or more. The certificate

must be filed with the county registrar within three days following the delivery. The 'Certificate of Birth Resulting in Stillbirth' does not constitute proof of a live birth and does not replace the requirement to file a Report of Fetal Death

The committee gave a favorable report on H.3442, a bill authorizing the **PURCHASE OF MULTIPLE PISTOLS.** This bill revises provisions relating to the application a person must complete before purchasing a pistol, and restrictions placed on a person who purchases a pistol, so as to eliminate the provisions that prohibit a person from purchasing more than one pistol on an application, purchasing more than one pistol during each thirty-day period, and the exceptions to these provisions.

The committee gave a favorable report on H.3408, a bill **EXPANDING THE DEFINITION OF A LEGISLATIVE CAUCUS.** This bill revises provisions relating to definitions concerning lobbyists and lobbying and campaign practices, so as to revise the definition of "legislative caucus" to include a caucus based on duration of service in the General Assembly.

The committee gave a favorable report on H.3592. This bill revises provisions relating to allocation of receipts and disbursements between principal and income for purposes of a **TRUST OR ESTATE**, so as to expand the scope of the section by making a change in a cross-reference.

WAYS AND MEANS

The Ways and Means Committee reported favorable with amendment on S.340. As reported by the Committee, this bill, known as "**THE SOUTH CAROLINA RETIREMENT SYSTEMS CLAIMS PROCEDURES ACT,**" **PROVIDES PROCEDURES WHICH MUST BE APPLIED TO DISPUTES BETWEEN THE SOUTH CAROLINA RETIREMENT SYSTEMS AND THE MEMBERS AND MEMBER BENEFICIARIES OF THOSE SYSTEMS.**

The bill requires that any claim brought under these provisions must be prosecuted by the member, the member's designated beneficiary, or an attorney authorized by either of these persons. A claim may not be prosecuted under this bill on behalf of a class. The bill provides procedures for filing written claims with the director of the retirement systems concerning administrative decisions; procedures for filing a request for a contested case hearing of the retirement systems' final decision by the Administrative Law Judge Division (ALJ); and for appeal from the ALJ Division to the Court of Common Pleas.

The bill also provides that **AN EMPLOYEE OF THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH WHO MEETS THE REQUIREMENTS FOR "PEACE OFFICER" STATUS IS INCLUDED IN THE DEFINITION OF "POLICE OFFICER" FOR PURPOSES OF ELIGIBILITY FOR MEMBERSHIP IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM.** The bill provides "peace

officer" status to employees of the Department of Mental Health whose assigned work location is one of the correctional facilities of the Department of Corrections or the Department of Juvenile Justice.

The Committee reported favorable with amendment on S.341. As reported by the Committee, this bill provides that **THE STATE MUST DEFEND MEMBERS OF THE STATE BUDGET AND CONTROL BOARD (THE BOARD) AND MEMBERS OF THE RETIREMENT SYSTEMS INVESTMENT PANEL AGAINST A CLAIM OR SUIT ARISING FROM THEIR PERFORMANCE OF OFFICIAL DUTIES ON BEHALF OF THE BOARD OR PANEL, RESPECTIVELY, AND THE STATE MUST INDEMNIFY THESE MEMBERS FOR A LOSS OR JUDGMENT** incurred by them as a result of the claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The bill also **REQUIRES THAT THE STATE DEFEND OFFICERS AND EMPLOYEES OF THE BOARD AGAINST A CLAIM OR SUIT THAT ARISES OUT OF THEIR PERFORMANCE OF OFFICIAL DUTIES** unless the officer or employee was acting in bad faith, and **THE STATE MUST INDEMNIFY THESE OFFICERS AND EMPLOYEES FOR A LOSS OR JUDGMENT** incurred by them as a result of such claim or suit, whether the suit was brought against them in their individual or official capacities, or both. The bill provides that this commitment to defend and indemnify extends to members, officers, and employees of the Board after they have left Board employment if the claim or suit arises from their performance of official duties on behalf of the Board.

The Committee reported favorable with amendment on H.3306. As reported by the Committee, this bill **PROVIDES THAT A HOLDING COMPANY MAY REDUCE ITS PAID-IN CAPITAL SURPLUS BY THE PORTION OF CONTRIBUTIONS TO CAPITAL RECEIVED FROM ITS PARENT CORPORATION THAT IS DIRECTLY OR INDIRECTLY USED TO FINANCE A SUBSIDIARY'S EXPANSION COSTING IN EXCESS OF ONE HUNDRED MILLION DOLLARS, WHICH ON THE DATE CONSTRUCTION STARTED IS LOCATED IN AN ECONOMIC IMPACT ZONE.** The bill provides that such a reduction is only allowed for the paid-in capital surplus of the holding company attributable to this contribution to capital for expansion. No reduction is allowed unless the expansion is completed within three years of the first contribution to capital received by the holding company, but this time limitation may be extended by the Department of Revenue as provided in the bill. The bill provides that amounts previously excluded in paid-in capital surplus pursuant to these provisions must be included in the first license tax year beginning after the period allowed for the expansion if the expansion is not timely completed. These provisions are applicable for contributions to capital for expansion made after August 2002.

The Committee reported favorable on S.149, a joint resolution which **AUTHORIZES THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF THE SURPLUS NATIONAL GUARD ARMORY IN JOHNSTON TO THE TOWN OF JOHNSTON.**

The Committee reported favorable on H.3218, a joint resolution which **PROVIDES FOR CONSTRUCTION OF THE SOUTH CAROLINA LAW ENFORCEMENT OFFICERS MEMORIAL ON THE GROUNDS OF THE CAPITOL COMPLEX.** This monument was

approved in legislation signed by the Governor in 1994. H.3218 directs the State Budget and Control Board to proceed to construct the monument, using certain funds appropriated to or transferred to the Budget and Control Board, and after approval of the State House Committee for the design and location of the monument.

The Committee reported favorable on S.71, a bill which **ALLOWS A COUNTY TO EXTEND THE DATE FOR FILING RETURNS AND THE PAYMENT OF PROPERTY TAXES FOR PERSONS SERVING WITH THE U.S. ARMED FORCES OR NATIONAL GUARD IN OR NEAR A HAZARD DUTY ZONE.**

The Committee reported favorable with amendment on H.3768, the **"SOUTH CAROLINA HEALTH AND HUMAN SERVICES REORGANIZATION AND ACCOUNTABILITY ACT OF 2003"** (the Act). As reported by the Committee, the Act reforms the state's Medicaid system, and reorganizes and restructures state health and human services agencies as follows:

- **DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)**
 - Policy and Planning of the Continuum of Care of the Governor's Office is transferred to DHHS Office for Services for Emotionally Disturbed Children;
 - Children's Case Resolution of the Governor's Office transferred to DHHS Office of Children's Services;
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 - Licensing of out-of-home placements of the Department of Health and Environmental Control (DHEC) moved to DHHS;
 - Department of Alcohol and Other Drug Abuse Services (DAODAS) is moved to DHHS as a new Office;
 - Inpatient alcohol and drug treatment services of the Department of Mental Health (DMH) are moved to DHHS under the new Office of Alcohol and Other Drug Abuse Treatment Services;
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 - DMH becomes a Cabinet Agency;
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 - Manages and administers all information technology for DSS, DHHS, Department of Disabilities and Special Needs, DMH, VR, DHEC;
 - Director appointed by Governor with advice and consent of the House and the Senate;
 - Director must develop a coordinated strategic plan for information resources management as provided in the Act.
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 - Seven appointed members - three from Senate, three from House, and the Governor or the Governor's appointee;
 - Charged to study the State Medicaid plan, to review efforts of the state Medicaid agency, and to recommend changes to make the plan more easily understood, more stable, and more affordable.
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 - DHHS is to report to the Oversight Committee the number of beneficiaries on Medicaid who do not pay for services as required by law;
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 - Make recommendations regarding responsibilities and roles for state, regional, and local entities, and services to seniors;
 - Sponsor public forums in advance of submission of the Office on Aging's four-year plan and respond to the Office of Aging's annual draft plan.
 - **NURSING HOMES**
 - Requires DHHS to enter into contractual agreements for the management and operation of skilled nursing facilities formerly under DMH.

- **PREVENTION OF YOUTH ACCESS TO TOBACCO**

- Strengthens laws against underage tobacco purchase and use and sets penalties.

- **TOBACCO SETTLEMENT RECEIPTS AND BONDS**

- Provides for additional receipts from Tobacco Settlement funds to be credited to the general fund rather than being deposited as is currently required;
- Permits the use of tobacco settlement revenues and the proceeds of bonds secured by these revenues to refund or purchase these bonds.

The Committee reported favorable on **S.294**. This joint resolution requires the Budget and Control Board to **TRANSFER OWNERSHIP OF A SURPLUS NATIONAL GUARD ARMORY IN BISHOPVILLE, SOUTH CAROLINA, TO LEE COUNTY AND THE CITY OF BISHOPVILLE.**

The Committee reported favorable on **H.3614**, a bill which **PROVIDES A DEDUCTION FROM INDIVIDUAL INCOME TAXES OF REWARD MONEY PAID TO A RESIDENT TAXPAYER FOR INFORMATION THE TAXPAYER PROVIDES WHICH DIRECTLY LEADS TO THE REMOVAL AS A THREAT OF AN INTERNATIONAL TERRORIST.**

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3812 *USE OF DEPARTMENT OF NATURAL RESOURCES SUMMONSES* Rep. M.A. Pitts

This bill provides that, in addition to currently-authorized uses, a Department of Natural Resources (DNR) summons may also be used in cases of transporting uncovered loads on the highways, destruction of sea oats or venus flytraps, destruction of marsh, inhumane treatment of animals, and driving under the influence.

Current law provides that revenue generated from the sale of certain licenses, permits, and fines and forfeitures for certain violations must be credited to the Game Protection Fund. This bill provides that revenue generated from fines and

forfeitures for all other offenses investigated or prosecuted by DNR must also be credited to the Game Protection Fund.

H.3813 REPORTING REQUIREMENT FOR NATURAL RESOURCES, GAME, FISH, OR BOATING LAWS Rep. M.A. Pitts

This bill requires that an agency which enforces natural resources, game, fish, or boating laws must report each criminal charge made and its disposition to the Department of Natural Resources, as provided in the bill.

H.3816 FEE FOR RABIES INOCULATION Rep. Scarborough

This bill increases from three dollars to five dollars, the fee for a rabies inoculation at annual rabies clinics promoted by the Department of Health and Environmental Control and licensed veterinarians.

EDUCATION AND PUBLIC WORKS

S.414 AUTOMOBILE DEALER LICENSES Sen. Grooms

This bill requires an applicant for an initial nonfranchise automobile dealer license to complete at least eight hours of prelicensing education courses before the license may be issued. The bill directs the Department of Public Safety to promulgate regulations to implement this provision.

H.3805 DEFINITION OF "CRITICAL GEOGRAPHICAL AREAS" FOR PURPOSES OF CERTAIN STUDENT LOANS Rep. Townsend

For purposes of criteria for providing loans to resident students who intend to become certified teachers in South Carolina's areas of critical need, this bill strikes the current language providing that the definitions used in the federal Perkins Loan Program shall serve as the basis for defining "critical geographical areas."

H.3808 SPECIAL LICENSE PLATES FOR BRONZE STAR RECIPIENTS Rep. Clark

This bill authorizes and provides for a special, permanent motor vehicle license plate for recipients of the Bronze Star.

H.3821 REIMBURSEMENT FOR HOME SCHOOLING Rep. Davenport

This bill provides that a home-school student's resident school district annually shall reimburse the student's custodial parent(s) or legal guardian for the cost of the home schooling which is defined as one hundred percent of the district's per pupil expenditure as determined by Education Finance Act weightings.

JUDICIARY

H.3804 TERMS OF MUNICIPAL JUDGES Rep. Whipper

This bill provides for a two-year or four-year term of office for municipal judges as determined by the council of the municipality rather than having the municipal council set a term for municipal judges not to exceed four years.

H.3807 MUNICIPAL RESTRICTIONS ON PARKING AT COUNTY FACILITIES Rep. Neilson

This bill repeals a provision prohibiting certain municipalities from requiring a person to pay a fee or place a time limit for parking at specific locations adjacent to property owned by the county in which the municipality is located.

H.3810 JOINDER OF CLAIMS AGAINST DEBTORS Rep. Taylor

This bill provides for the joinder of claims by creditors against a debtor and for the joinder of claims by a collection agency on behalf of more than one creditor against a debtor. The bill provides for a separate action in connection with a disputed claim and establishes other provisions regarding the joinder of claims.

S.225 PRIOR OFFENSE FOR DRIVING UNDER THE INFLUENCE Sen. Hutto

This bill penalties for operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics, so as to provide for which violations constitute prior offenses for purposes of determining subsequent violations.

S.417 SOCIAL SECURITY NUMBERS NOT REQUIRED ON ABSENTEE BALLOT APPLICATIONS Sen. Martin

This bill revises the form of the application for an absentee ballot, so as to eliminate the requirement that the application contain the applicant's social security number.

H.3819 "PROHIBITION OF HUMAN CLONING ACT" Rep. Delleney

This bill enacts the "Prohibition of Human Cloning Act" to make it unlawful for a person to perform or participate in human cloning, to derive any product from human cloning, or to ship, receive, transport, transfer, or distribute in interstate commerce an embryo derived from human cloning. The bill defines "cloning." The bill provides for criminal penalties, and provides for suspension of the professional license of a person violating this legislation.

S.107 TOURISM EXPENDITURE REVIEW COMMITTEE Sen. Hayes

This bill increases the membership of the Tourism Expenditure Review Committee from nine to eleven, by adding one member on the recommendation of the South Carolina Arts Commission and one member at large.

H.3827 IDENTIFYING CODE ON DRIVER'S LICENSES/IDENTIFICATION CARDS OF VIOLENT CRIMINALS Rep. Hinson

This bill makes provisions such that the driver's license and/or special identification card of a person convicted of a violent crime must have a one-digit code identifying the person having been convicted of a felony considered to be a violent crime. The

code must be developed by the Department of Public Safety and made known to the appropriate law enforcement officers and other judicial officials of this State.

H.3828 JUDICIAL MERIT SELECTION COMMISSION NOMINATIONS NOT LIMITED IN NUMBER Rep. Sheheen

This bill eliminates the current requirement that the nominations of the Judicial Merit Selection Commission be limited to not more than three qualified candidates and provides, instead, that there is no limit on the number of names the commission may submit to the General Assembly for election provided all are found qualified.

LABOR, COMMERCE AND INDUSTRY

S.152 INNKEEPERS REQUIRED TO POST RATES CHARGED FOR TELECOMMUNICATIONS SERVICES Sen. Leventis

This bill requires that an innkeeper conspicuously post telephone, e-mail, on-line, and fax rates charged in its lodging establishment.

S.447 STATE ATHLETIC COMMISSION Sen. J. V. Smith

This bill places the State Athletic Commission under the administration of the Department of Labor, Licensing and Regulation and to conform this chapter to the statutory organizational framework established for professional and occupational boards and commissions under the administration of LLR. The bill further provides for the licensure and regulation of various athletes and athletic events. The bill repeals Chapter 7, Title 52, relating to the State Athletic Commission and to county athletic commissions.

S.448 LIQUID PETROLEUM GAS DEALER REQUIREMENTS Sen. McConnell

This bill revises provisions relating to liquid petroleum gas dealer storage capacity requirements so as to provide that a dealer must have or have access to facilities with a capacity of a minimum 30,000 water gallons within close proximity to the area to be served. The bill eliminates the provision requiring leased storage capacity to be dedicated to the exclusive use of the lessee.

H.3831 NONFRANCHISE AUTOMOBILE DEALER PRE-LICENSING Rep. Cato

This bill requires certain applicants for an initial nonfranchise automobile dealer license to complete certain pre-licensing education courses before they may be issued a license. The bill provides that the Department of Public Safety shall promulgate regulations to implement this provision.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3820 "THERON NORRIS ACT" Rep. Loftis

This bill requires that if a mentally impaired individual is admitted to a health care facility or a community residential care facility (CRCF), the health care facility or CRCF shall affix to the patient's chart a green star which indicates that the patient

has an impairment that may require special supervision or care. The bill further provides that such a designation must be ordered by the patient's attending physician, and the chart must accompany the patient, who must not be left unattended or unsupervised.

H.3825 SOUTH CAROLINA PARENTAL REPRODUCTIVE RIGHTS

ACT Rep. Pinson

This bill directs and provides for the Department of Health and Environmental Control (DHEC) to develop a database in which a parent, legal guardian, or one acting *en loco parentis* to a child under the age of sixteen may register to prohibit State agencies or departments from providing contraceptives to their child. The bill prohibits State agencies and departments from distributing contraceptives to children whose parents or guardians have registered according to the provisions of the bill.

H.3830 ORGAN DONORS Rep. Walker

This bill provides that an organ and tissue donor must be given a specially noted driver's license rather than a driver's license with an organ and tissue donor decal. The bill also makes numerous other revisions to procedures related to organ and tissue donation.

WAYS AND MEANS

S.299 DEFINITIONS IN THE S.C. DEVELOPMENT IMPACT FEE

ACT Sen. Richardson

This bill adds "public parking garages or related facilities" to the definition of "public facilities" in the South Carolina Development Impact Fee Act.

S.320 FURLOUGHS AT ADJUTANT GENERAL'S OFFICE Sen. Hayes

This joint resolution authorizes the Adjutant General's Office to furlough state-funded FTE's during fiscal year 2002-2003 under specified conditions.

S.360 FEES FOR FILING AND INDEXING RECORDS Sen. Hutto

This bill revises procedures included in the *Uniform Commercial Code - Secured Transactions* chapter by recalculating how fees for filing and indexing are assessed.

H.3823 CIGARETTE TAX Rep. Herbkersman

This bill imposes, in addition to the current license tax, an additional license tax on cigarettes in the amount of 2.65 cents per cigarette. Revenue from this additional tax would be used for senior health care programs and for the State's share of the Medicaid program.

S.274 PROPERTY TAX EXEMPTIONS Sen. Leventis

This bill provides an exemption from *ad valorem* property taxes for a private passenger motor vehicle leased by a member of the U.S. armed forces stationed in this State when that member's home of record is in another state and the leased

vehicle is to be registered and licensed in the state of the member's home of record. The bill exempts from *ad valorem* property taxes a private passenger motor vehicle leased to a governmental entity that would be exempt as property used exclusively for public purposes if the governmental entity owned the vehicle.

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